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No. 01-390

Supreme Court, U.S.
FILED
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In The

Supreme Court of the United States

FARM CREDIT SERVICES OF MID-AMERICA, ACA,

Petitioner,

v.

THOMAS M. ZAINO,
TAX COMMISSIONER OF OHIO,

Respondent.

On Petition For A Writ Of Certiorari To The Supreme Court Of Ohio

PETITIONER'S REPLY BRIEF

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PETITIONER'S REPLY BRIEF

This case presents the question whether, pursuant to 12 U.S.C. § 2279c-1, Agricultural Credit Associations succeed to the state tax immunity of their predecessor Federal Land Bank Associations. Contrary to Respondent's claim, this question was squarely presented to and squarely decided by the Ohio Supreme Court.

Respondent acknowledges that Petitioner's claim of immunity under Section 2279c-1 was presented to the Ohio Supreme Court. Brief in Opp. 2. Respondent acknowledges that the Ohio Supreme Court had the opportunity to review the Indiana Supreme Court decision on the identical question. Brief in Opp. 2. Respondent acknowledges that the question of the proper construction of Section 2279c-1 was discussed by the Ohio Supreme Court and counsel during oral argument. Brief in Opp. 2. The Ohio Supreme Court also had access to the authorities relevant to the proper construction of Section 2279c-1, including the text of the Farm Credit Act, the regulations issued by the Farm Credit Administration, and the legislative history of Section 2279c-1. Finally, Respondent cannot dispute that the Ohio Supreme Court's opinion directly addressed and rejected Petitioner's claim of immunity based on Section 2279c-1. Pet. App. 6.

The Ohio Supreme Court concluded that Agricultural Credit Associations do not succeed to the state tax immunity of their predecessor Federal Land Bank Associations, relying primarily on definitions from Black's Law Dictionary. Pet. App. 6. The Indiana Supreme Court concluded that Agricultural Credit Associations do succeed

to the state tax immunity of their predecessor Federal Land Bank Associations, relying on an analysis of the structure of the Farm Credit Act, the applicable regulations of the Farm Credit Administration, the legislative history of Section 2279c-1, and the history of state tax immunity granted to Federal Land Bank Associations. Pet. App. 29 to 37. Certiorari should be granted to resolve the conflict between the Ohio and Indiana Supreme Courts and provide a definitive answer for the other Agricultural Credit Associations and states facing this important question.

Respectfully submitted,

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